UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:17-cv-63-FDW

JIMMY ALLEN ROBERTS,)
Plaintiff,)
vs.	ORDER
FRANK L. PERRY, et al.,)
Defendants.)
)

THIS MATTER is before the Court on *pro se* incarcerated Plaintiff's Notice, (Doc. No. 59), in which he appears to seek voluntary dismissal of this action.

The Amended Complaint passed initial review on several claims against the Secretary and Director of the North Carolina Department of Public Safety ("NCDPS"). (Doc. Nos. 24, 25). Defendants have filed a Motion for Summary Judgment, (Doc. No. 45), and Plaintiff's response is due on June 26, 2020, (Doc. Nos. 48, 58).

Plaintiff has now filed a Notice, (Doc. No. 59), indicating his disagreement with the Court's recent Order denying his request for the appointment of counsel. See (Doc. No. 58). Plaintiff claims that he is unable to proceed without counsel and, "in order to preserve his own personal self-respect and dignity, Plaintiff hereby gives due notice that he will promptly cease and desist befouling himself with the stench of judicial corruption derived from further interactions with this Court, and-or acceptance and handling of its papers." (Doc. No. 59 at 4).

It appears to the Court that Plaintiff is seeking to voluntarily dismiss this action without prejudice pursuant to Rule 41(a)(2). If Plaintiff does not wish for the Court to construe his Letter as a Rule 41 motion to voluntarily dismiss this action without prejudice, Plaintiff shall file written

objections within **fourteen (14) days** of this Order. Failure to timely object will result in an order dismissing and closing Plaintiff's case. Defendants may, within **twenty (21) days** of this Order, respond to Plaintiff's request for voluntary dismissal without prejudice.

IT IS THEREFORE ORDERED that:

- (1) Plaintiff shall file objections within **fourteen** (**14**) **days** of this Order if he does not want the Court to construe his Notice, (Doc. No. 59), as a motion to voluntarily dismiss his case. Failure to do so will probably result in dismissal of the case without further notice.
- (2) Defendants may respond to Plaintiff's motion for voluntary dismissal without prejudice within **twenty-one** (21) days of this Order.

Signed: June 9, 2020

Frank D. Whitney

United States District Judge